

**EXHIBIT 21**

**Deposition of Alexis Franzese, Ph.D.**

Page 1

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Case No. 2:19-cv-01322-KJD-NJK

PETER DELVECCHIA, individually and as  
next friend of A.D., a Minor,

Plaintiffs,

vs.

FRONTIER AIRLINES, INC., and  
JOHN DOES 1 through 5, inclusive,  
Defendants.

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VIDEOTAPED DEPOSITION OF ALEXIS FRANZESE

March 2, 2020

150 Fayetteville Street

Raleigh, NC 27601

1:18 p.m. - 2:47 p.m.

REPORTED BY: JOAN COMPARATO  
North Carolina Professional Reporter  
Magna Legal Services  
(866) 624-6221  
Www.MagnaLS.com

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1 APPEARANCES:

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5

BY: JOHN D. MCKAY, ESQUIRE

6

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7

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10 BY: MATTHEW D, MARTIN, ESQUIRE

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14

15 Also present: Peter DelVecchia

16 Carl Riel, Videographer

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#### EXHIBITS

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(No Exhibits Marked)

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1 Whereupon,

2 THE VIDEOGRAPHER: We are now on the record.

3 This begins videotape number one in the deposition of  
4 Alexis Franzese, taken in the matter of Peter  
5 DelVecchia, individually and as next friend of A.D.,  
6 a minor, plaintiff vs. Frontier Airlines, Inc., and  
7 John Does I through V inclusive, defendants. United  
8 States District Court, District of Nevada.

9 Today's date is March 2nd, 2020, and the time is  
10 1:18.

11 This deposition is taking place at Smith  
12 Anderson in Raleigh, North Carolina, at the request  
13 of firm Adler, Murphy & McQuillen.

14 The videographer today is Carl Riele, and the  
15 court reporter is Joan Comparato, both of Magna Legal  
16 Services.

17 Would counsel now please introduce yourselves  
18 and whom you represent?

19 MR. MCKAY: I'm John McKay, and I represent the  
20 plaintiffs, Peter DelVecchia and A.D.

21 MR. MARTIN: Matthew Martin for defendant.

22 THE REPORTER: One second, please.

23 THE VIDEOGRAPHER: Would the court reporter  
24 please swear in the witness.

25 THE REPORTER: Can I ask you to raise your right

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1 hand, please?

2 Do you solemnly swear to tell the truth, the  
3 whole truth, and nothing but the truth, so help you  
4 God?

5 THE WITNESS: Yes.

6 MR. MARTIN: Ma'am, would you state your full  
7 name for the record, please.

8 THE WITNESS: Alexis Theresa Franzese.

9 MR. MARTIN: Let the record reflect that this is  
10 the deposition of Alexis Franzese taken pursuant to  
11 subpoena and set for today's date by agreement of  
12 parties.

13 This deposition shall be conducted in accordance  
14 with the Federal Rules of Civil Procedure and all  
15 applicable rules of the United States District Court  
16 for the District of Nevada.

17 ALEXIS FRANZESE,  
18 having been duly sworn, was examined and testified  
19 under oath as follows:

20 DIRECT EXAMINATION

21 BY MR. MARTIN:

22 Q. Good afternoon, ma'am. My name is Matthew  
23 Martin. I represent Frontier Airlines, who is the  
24 defendant in the pending litigation matter in the  
25 District of Nevada.

Page 6

1 Have you ever given a deposition before?

2 A. No.

3 Q. Okay. A couple of ground rules just to make  
4 things go a little bit smoother here today.

5 The first is, you've seen that there's a court  
6 reporter. Her function here today, as you've seen, is  
7 to take down everything that's said between us. In  
8 order to help her have this be a smooth process and for  
9 our benefit as well, if we could have just one person  
10 speak at a particular time.

11 So I will do my best to let you finish your  
12 answers in response to my questions, and I ask that you  
13 try to let me finish my questions accordingly.

14 In addition, while this is being videotaped, we  
15 ask for the record that you give all your answers in  
16 the form of a yes or a no. Shrugs or uh-uh or uh-huhs  
17 can't really be taken down very well by the court  
18 reporter.

19 In addition, if you don't understand a question  
20 that I ask, please ask me to rephrase it. It's  
21 probably a poor question. I'm not trying to trick or  
22 confuse.

23 If you do answer a question that I ask, I'll  
24 assume that you understood the question. Is that fair?

25 A. Yes.

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1 Q. Okay. Finally, if you need to take a break at  
2 any time, that's perfectly fine. Just let us know.  
3 The only thing I'd ask is if there's a question  
4 pending, I ask that you answer that before we take a  
5 break, okay?

6 A. Yes.

7 Q. Okay. What is your date of birth?

8 A. September 28th, 1979.

9 Q. And do you know the plaintiff in this matter,  
10 Peter DelVecchia?

11 A. Yes.

12 Q. And how do you know Peter?

13 A. Peter and I are in a romantic relationship.

14 Q. And are you aware that Peter has a son?

15 A. Yes.

16 Q. Okay. And we're going to go off the record in a  
17 second and I'm going to ask you to provide the full  
18 name of Peter's son.

19 MR. MARTIN: Can we go off the record?

20 THE VIDEOGRAPHER: Off the record at 1:22.

21 (Discussion held off the record.)

22 THE VIDEOGRAPHER: Back on the record at 1:22.

23 BY MR. MARTIN:

24 Q. Okay. So while we were off the record you  
25 provided the full name of Peter's son.

Page 8

1           For purposes of this matter and this deposition  
2   today, I'm going to refer to him as A.D.

3           Do you understand by my referring to him as  
4   A.D., you understand who I'm speaking about?

5       A.   Yes.

6           Am I also expected to refer to him as A.D.?

7       Q.   If you could. If not, we will be able to clean  
8   it up, but just, you know, for the interest of -- of  
9   his privacy, if you can try to remember. I know it's  
10   tough to refer to him as A.D., but we'd all appreciate  
11   it.

12      A.   Yes.

13      Q.   What is your current address?

14      A.   1909 East Chapman Court, Hillsborough,  
15   North Carolina, 27278.

16      Q.   And how long have you been there for?

17      A.   It will be nine years in May.

18      Q.   Do you anticipate being there for approximately  
19   the next year?

20      A.   Yes.

21      Q.   Who else lives at that address with you?

22      A.   My four children.

23      Q.   Okay. You don't have to provide their names if  
24   you don't want to, but if you could provide maybe their  
25   genders and their ages for me?

Page 9

1           A. Male, age thirteen; female, age ten; female, age  
2 eight; male, age six.

3           Q. Okay. Two males, two females?

4           A. Correct.

5           Q. Ranging from six to thirteen?

6           A. Correct.

7           Q. Okay. How long have you lived in the  
8 Hillsborough or greater Raleigh area?

9           A. I moved to North Carolina in 2001 when I started  
10 my Ph.D. at Duke University.

11          Q. Have you ever been known by any other names --

12          A. No.

13          Q. -- other than your current one?

14                Have you ever served in the military?

15          A. No.

16          Q. Are you currently married?

17          A. I am currently separated and will be divorced in  
18 the near future.

19          Q. Okay. What is the name of your soon-to-be  
20 ex-spouse?

21          A. Thomas Higgins.

22          Q. And are all four of your children with  
23 Mr. Higgins?

24          A. Yes.

25          Q. Who is your current employer?

Page 10

1           A. I'm currently employed by Elon University, and I  
2   also have a private practice as a licensed  
3   psychologist.

4           Q. Let's start with Elon University. What is your  
5   position with the university?

6           A. I'm an associate professor.

7           Q. Any certain specialty?

8           A. Social psychology and medical sociology.

9           Q. Social psychology and medical psychology?

10          A. Medical sociology.

11          Q. Medical sociology. Thank you.

12                   And where is Elon located?

13          A. In Elon.

14          Q. Okay. North Carolina?

15          A. Yes.

16          Q. Am I betraying my northernness?

17          A. You are, yes.

18          Q. And how long have you been at Elon?

19          A. Since 2011.

20          Q. And in that time have you always held the  
21   position of associate professor?

22          A. I was hired as an assistant professor. I went  
23   through tenure, and now I'm an associate professor.

24          Q. And has it always been concentrating in the  
25   fields of social psychology and medical sociology?

Page 11

1 A. Yes.

2 Q. Can you briefly describe your -- what you do in  
3 your day-to-day activities as an associate professor at  
4 Elon?

5 A. Yes. A professor's life involves teaching,  
6 scholarship, and service at Elon. That means I teach  
7 courses, I conduct research and I contribute to the  
8 life of the university.

9 Q. Is there a certain number of classes that you  
10 teach per semester?

11 A. There's a standard teaching load at Elon  
12 University that fluctuates based on research  
13 commitments and other awards that a faculty member  
14 might have.

15 Q. Is Elon within an academic semester currently?

16 A. Yes.

17 Q. Are you teaching this semester?

18 A. I have administrative leave this semester, as  
19 I'm becoming department chair in the fall semester.

20 Q. Congratulations.

21 A. Thank you.

22 Q. While you're on administrative leave, are you  
23 conducting any independent research?

24 A. Yes.

25 Q. What and -- what subjects or fields?

Page 12

1           A. I have a variety of research projects going at  
2   any one time.

3           Q. Okay. Is there one that you're principally  
4   working on at the moment?

5           A. I have a book project I've been working on about  
6   how people decide that they're done having children and  
7   how that's a ritual or process we don't talk about in  
8   society.

9           Q. Would you consider yourself full time at Elon?

10          A. Yes.

11          Q. And you said you've been there since 2011,  
12   correct?

13          A. Correct.

14          Q. And you also said you have an independent  
15   psychologist practice; is that correct?

16          A. Yes.

17          Q. Okay. And how long have you had that for?

18          A. To clarify, at Elon I'm a sociologist. My  
19   private practice is as a licensed psychologist. I have  
20   two doctoral degrees.

21                 I have had my practice going -- for the  
22   licensure process that I went through, the practice has  
23   been going -- I started the practice in 2011.

24          Q. And have you --

25          A. Maybe 2012. I would have to check the -- the

Page 13

1 timing of that.

2 Q. Okay. And have you, whether it's 2011 or 2012,  
3 have you operated that consistently up until the  
4 present time?

5 A. Yes. There was a -- the reason I'm thinking  
6 about dates is, there's a process of getting fully  
7 licensed where you have to have supervised hours before  
8 you become fully licensed. So when you ask me  
9 questions about the date of my practice, I'm -- it's  
10 not clear to me whether you're asking me about the time  
11 when I was pursuing licensure or after I was licensed.  
12 So I'm just sharing information about that process.

13 Q. I see. Okay. That's helpful.

14 Do you recall when you became licensed?

15 A. I could look up that information easily, but off  
16 the top of my head right now I can't tell you the exact  
17 date.

18 Q. Would you be able to say if it's in the last  
19 year, the last --

20 A. No --

21 Q. -- five years?

22 A. No, no. A few years ago --

23 Q. Okay. So it's --

24 A. -- I became fully licensed.

25 Q. So it's been some time?

Page 14

1 A. Yes.

2 Q. Okay. And that license is with the State of  
3 North Carolina?

4 A. Yes.

5 Q. And do you recall the -- is there a name for  
6 that particular license?

7 A. It's license number 4700 with the North Carolina  
8 Psychology Board.

9 Q. Okay. North Carolina Psychology Board, correct?

10 A. Yes.

11 Q. As part of your practice, are you -- do you  
12 actively see patients?

13 A. Yes.

14 Q. And is there any certain specialties that you  
15 tend to focus on in your practice?

16 A. I work with people who present with a variety of  
17 concerns.

18 Q. Okay. Do you typically work with adults,  
19 children, or both?

20 A. Adults.

21 Q. Exclusively?

22 A. Yes.

23 Q. Okay. Have you ever treated any of the  
24 plaintiffs in a professional capacity in this  
25 litigation?

Page 15

1 A. Absolutely not.

2 Q. Okay.

3 A. It would be completely and totally unethical to  
4 do so.

5 Q. Okay. As a result of your practice, have you  
6 ever served as an expert witness in any litigation  
7 matter?

8 A. No.

9 Q. Okay. Prior to your private practice at Elon,  
10 where did you work before that?

11 A. I spent a very long time at Duke University  
12 pursuing two doctoral degrees. I completed my clinical  
13 internship at the Durham Veterans Affairs Medical  
14 Center, and then I started my job at Elon.

15 Q. You said you have two graduate degrees --  
16 doctoral degrees, I'm sorry, from -- both from Duke  
17 University?

18 A. Yes.

19 Q. And what are those in?

20 A. One is in sociology, one is in psychology.

21 Q. Do you recall the years you obtained those?

22 A. Oh, goodness. I believe sociology was 2007, and  
23 psychology was 2011, to the best of my memory.

24 Q. And so it was shortly after you received the  
25 psychology doctorate in 2011 that you went into your

Page 16

1 position at Elon?

2 A. Correct.

3 Q. Okay. There were no jobs you had in between?

4 A. No.

5 Q. And where did you do your undergraduate  
6 education?

7 A. Union College in Schenectady, New York.

8 Q. Did you have a particular focus?

9 A. I was a sociology major with minors in  
10 psychology and history.

11 Q. Besides that formal education and the license  
12 that you referred to earlier, do you have any other  
13 certifications?

14 A. When you pursue a doctoral study, you receive  
15 your master's degree in passing, so I also have two  
16 master's degrees.

17 Q. And is that just part and parcel for having  
18 gotten through the doctoral process, is you --

19 A. No, there's some people who pursue a Ph.D. and  
20 leave after their master's degree, either because they  
21 don't meet the requirements in a way that allows them  
22 to move on or because they decide they want to leave  
23 with a master's degree.

24 Q. It sounds like in your case, though, you did  
25 complete both so as to achieve both a master's and a

Page 17

1     doctoral degree in both subjects?

2           A.   Yes.   Four degrees total after my undergraduate  
3     degree.

4           Q.   Okay.   Besides those two master's degrees, any  
5     other certifications or degrees that you have?

6           A.   No, that seemed adequate.

7           Q.   I think so, too.

8                   In preparation for today, did you speak with  
9     Mr. McKay?

10          A.   Yes.

11          Q.   Okay.   When did you speak with Mr. McKay?

12          A.   This morning at around 8:05 a.m.

13          Q.   Okay.   And how long did you speak with  
14     Mr. McKay?

15          A.   Approximately 20 minutes.

16                   MR. MARTIN:   John, this will be the same  
17     situation as with the other children about substance  
18     of conversation being privileged?

19                   MR. MCKAY:   No, I don't represent her.

20                   MR. MARTIN:   Okay.   That's what I was getting  
21     at.

22                   MR. MCKAY:   Yeah.

23     BY MR. MARTIN:

24           Q.   Can you tell us what you and Mr. McKay discussed  
25     this morning at 8:05?

Page 18

1           A.    Sure.   The logistics of what today would look  
2    like, who would be in the room, what the timing would  
3    be of it, what the experience might be like in terms of  
4    you asking me questions and me responding.

5           Q.    Did you review any documents?

6           A.    No.

7           Q.    Okay.   Any photographs?

8           A.    No.

9           Q.    Okay.   And did you review any prior testimony  
10   that's been given in this matter?

11          A.    No.

12          Q.    Okay.   When did you first meet Peter DelVecchia?

13          A.    I can't actually put a date on that.   We both  
14   have children who are in the same grade.   A.D. and my  
15   13-year-old are in the same grade at school and they  
16   became friends at some point in that, particularly  
17   becoming good friends in the fifth grade.   They're both  
18   in the seventh grade now.

19          Q.    And both go to the same school?

20          A.    Correct.

21          Q.    Okay.   And at some point you began what you  
22   referred to -- I can't remember if you said an intimate  
23   or romantic relationship?

24          A.    I used the phrase romantic relationship.

25          Q.    Okay.   And you don't recall approximately when

Page 19

1 that was?

2 A. I can tell you when that started.

3 You asked me when I first met --

4 Q. Okay.

5 A. -- Peter, and I can't put a date on that.

6 August 2018 was the first time Peter and I got  
7 together by ourselves.

8 Q. Okay. And throughout the course of today, I'll  
9 just kind of preface going forward, do you understand  
10 that there was an incident that occurred on a flight on  
11 March 28, 2019?

12 A. Yes.

13 Q. Okay. And we'll get to that in a second, but  
14 just for purposes of clarification, I'm going to  
15 loosely use the terms pre-incident, and by that I mean  
16 before March 28, 2019.

17 Do you understand that?

18 A. Yes.

19 Q. And then post-incident will be anything after  
20 March 28, 2019.

21 A. Yes.

22 Q. Okay? And then obviously, you know, we'll get  
23 to this, but the incident will refer to that particular  
24 day, okay?

25 A. Yes.

Page 20

1 Q. So August of 2018 was when you began a romantic  
2 relationship with Peter, correct?

3 A. We got together socially, the two of us, and it  
4 turned into a romantic relationship after spending some  
5 time together.

6 Q. Okay. So the pre-incident period would be,  
7 we'll just say, August 2018 through March 28, 2019; is  
8 that correct?

9 A. Yes.

10 Q. Okay.

11 MR. MCKAY: Through March 28?

12 MR. MARTIN: Up and --

13 MR. MCKAY: Up until March 28?

14 MR. MARTIN: Right.

15 MR. MCKAY: Okay.

16 BY MR. MARTIN:

17 Q. During that time period, how often would you two  
18 see each other on a weekly basis?

19 A. Early in the relationship it was less frequent  
20 than later in the relationship, even within that span,  
21 from August to March. Approximately once a week at  
22 first, and then as time went on progressing through the  
23 fall months and early winter, three times a week.

24 Q. And would that be just on weekends, or weekdays  
25 as well?

Page 21

1 A. Weekdays and weekends.

2 Q. Is there any certain, like, schedule relating to  
3 you two getting together, like certain days?

4 A. We regularly see each other on the weekends. We  
5 pretty regularly see each other on Wednesdays, and we  
6 often see each other on Mondays, but it varies from  
7 week-to-week, of course.

8 Q. In that pre-incident time period when you would  
9 see each other, from like a social perspective, what  
10 type of things would you go out and do?

11 A. Kayaking.

12 Q. Kayaking? About how often during that time  
13 would you do that?

14 A. Once a week.

15 Q. Is there a certain location around here that you  
16 like to kayak?

17 A. There's a lake in Hillsborough that I like to  
18 kayak at.

19 Q. Okay. Anything else beyond kayaking?

20 A. We would go out for lunch often.

21 Q. About how many times --

22 A. Walks.

23 Q. -- a week?

24 A. Maybe lunch out once a week.

25 Q. And then you said walks as well?

Page 22

1 A. Mm-hmm.

2 Q. Okay. Would you take your walks any certain  
3 location?

4 A. Various locations.

5 Q. About how often when you take -- took these --  
6 those walks, would you -- how far would you go?

7 A. It varied. Peter is in excellent -- was in  
8 excellent physical shape at the time, and I was always  
9 the great limiting factor on the walks. I would try to  
10 keep up.

11 Q. Would any of your social activities involve  
12 either of your two sets of children?

13 A. Early on not as much, but certainly as time  
14 progressed our families were more involved in our  
15 interactions.

16 Q. And just trying to keep it for now at least  
17 for --

18 A. I'm pre-incident right now. I'm talking in the  
19 period from August to pre-incident.

20 Q. Okay. So would you say that, as you said  
21 earlier, I believe -- correct me if I'm wrong, of  
22 course -- but in the beginning you said you didn't see  
23 each other as frequent and it kind of progressed in the  
24 fall and the winter months.

25 Would you say it was similar for the amount of

Page 23

1 times that the children were together as well?

2 A. Yes, that seems fair.

3 Q. Okay. Would you engage in the same activities  
4 such as kayaking and walking with the children as you  
5 would when you were together independently of them?

6 A. Not really kayaking, but walks and hikes and  
7 things of that nature, yes.

8 Not going out to eat. My children are very loud  
9 out to eat.

10 Q. I know the feeling. Trust me.

11 As I understand, in addition to A.D., Peter has  
12 two other children; is that correct?

13 A. Yes.

14 Q. And what are the names of the other two  
15 children?

16 A. Are we speaking their names?

17 Q. Yes.

18 A. Gayle and Amanda.

19 Q. And how often would you say that they would join  
20 you in the times that your whole families were  
21 together?

22 A. Very infrequently.

23 Q. So it was typically your children and A.D.; is  
24 that correct?

25 A. If we were going to be joined by children, it

Page 24

1 would be those five children joining us or some  
2 constituency of those five children.

3 Q. I understand. Okay.

4 And how would you say that the relationship  
5 between the children was, between A.D. and your  
6 children?

7 A. Excellent.

8 Q. And you said he was --

9 A. In that time period, excellent.

10 Q. Okay. And you said he was close with your  
11 oldest son?

12 A. A.D.?

13 Q. Yes.

14 A. Yes.

15 Q. And what types of things would the children do  
16 amongst themselves in that pre-incident time period?

17 A. They wouldn't do things in the absence of Peter  
18 and I being there. I'm not sure what you mean.

19 Q. Would they shoot hoops, play street hockey,  
20 other things like that?

21 A. I mean, they would interact around ideas of  
22 anything that one of them wanted to do. Do you want to  
23 jump on the trampoline? Do you want to play a game?  
24 Do you want to watch a show?

25 Q. So a lot of normal kid stuff?

Page 25

1 A. Exactly.

2 Q. Okay. Would you typically go to one person's  
3 house as a rule versus another person's house, or would  
4 it just be whatever worked from a particular schedule?

5 A. Schedule.

6 Q. Okay. So there's no -- it wasn't where they  
7 always came to your house or you always went to their  
8 house?

9 A. No.

10 Q. Okay. So each different familial unit would  
11 feel comfortable going over to the other's residence  
12 before the incident?

13 A. I believe so.

14 Q. Okay. You never heard anything otherwise?

15 A. Nope.

16 Q. Okay. What would you say, and I'm not asking  
17 you in any type of capacity as, you know, someone that  
18 has a practice in psychology, but just from, you know,  
19 knowing Peter before the incident, what would you  
20 just -- how would you characterize the general state of  
21 his mental health before the incident?

22 A. Excellent. Peter was so attractive to me  
23 because he was such a solid, decent human being. He  
24 had dealt with the loss of his wife in such a  
25 thoughtful way that was focused on both accepting the

Page 26

1 loss and moving forward. Just incredibly, incredibly  
2 healthy.

3 Q. As I understand from previous testimony given in  
4 this matter, Peter's son, A.D., is very gifted at  
5 athletics; is that --

6 A. I concur.

7 Q. -- accurate? Okay.

8 As I understand, two particular sports at which  
9 he excels are hockey and cross-country. Would you say  
10 that's accurate?

11 A. Yes.

12 Q. Okay. Would you ever go to any of his  
13 cross-country meets?

14 A. My son also was doing the sport --

15 Q. Okay.

16 A. -- so, yes.

17 Q. Okay. What about hockey games? Does your son  
18 play hockey on the same team?

19 A. No.

20 Q. Okay. Would you ever go to A.D.'s hockey games?

21 A. On occasion.

22 Q. Okay. When is the -- in North Carolina, when is  
23 the cross-country season typically?

24 A. Oh, goodness.

25 Q. Is it a fall or spring sport?

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1 A. It's fall.

2 Q. Okay. So it's not currently going on now,  
3 cross-country?

4 A. Track is occurring right now.

5 Q. Okay. I'm going to turn now to the -- what I  
6 call the incident, and by that I mean what occurred on  
7 a flight from Raleigh to Las Vegas.

8 And I understand you were not on that flight,  
9 correct?

10 A. Correct.

11 Q. Okay. At what point did you first learn that  
12 something had occurred to Peter and his son on that  
13 flight?

14 A. I was in a car driving to a church women's  
15 retreat and got a phone call from Peter.

16 Q. Do you recall what date that was?

17 A. With the time zone stuff, no. I could easily  
18 look up that date because that church women's retreat  
19 for my church happened on a specific date that I could  
20 go back and check when it was, and I was driving there,  
21 and I usually drive there between 12:00 and 3:00 in the  
22 afternoon.

23 Q. Do you recall if it was within a week of the  
24 incident occurring?

25 A. Oh, very proximate to the incident occurring.

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1 Q. Okay. So possibly within a day or two?

2 A. Definitely within a day.

3 Q. Okay. Could it have been -- I understand your  
4 point about time zones.

5 A. Within hours, I would say --

6 Q. Okay.

7 A. -- of the incident ending, after the prolonged  
8 definition of the incident.

9 I don't know if you're using the definition of  
10 the incident as just the plane exchange or --

11 Q. Yes.

12 A. -- events that occurred after.

13 Q. Yes. So definition of incident meaning the time  
14 period exclusively during the flight itself.

15 A. Okay.

16 Q. Okay.

17 A. So, yes, within a day of that.

18 Q. Okay. What was your -- what is your  
19 understanding now of what occurred on that flight from  
20 Raleigh/Durham to Las Vegas on March 28, 2019?

21 A. Can you clarify what you're asking?

22 Q. Sure. Well, first of all, I guess let me ask,  
23 from where comes the knowledge you have regarding what  
24 happened on that flight?

25 A. So when Peter called me, he told me that

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1 something had happened on the flight, that A.D. was  
2 separated from him, and he was very vague. I would say  
3 a bit disoriented when he shared a bit of what had  
4 happened.

5 I was dumbfounded and in a state of disbelief  
6 and was very, very worried about A.D. I asked to talk  
7 to A.D. A.D. spoke with me.

8 MR. MARTIN: And for -- we'll go back and redact  
9 out his name.

10 THE WITNESS: I think we just did -- or I just  
11 said his name?

12 MR. MARTIN: Yeah, it's okay.

13 THE WITNESS: Was it me or you?

14 MR. MARTIN: It's okay.

15 MR. MCKAY: It's all right.

16 BY MR. MARTIN:

17 Q. We'll -- we'll have the court reporter go back  
18 later and just truncate it.

19 So from what it sounds like you're describing,  
20 all the information you have regarding what happened  
21 during the incident came from either Peter and/or A.D.;  
22 is that correct?

23 A. Yes.

24 Q. Okay. So you haven't spoken with anyone else  
25 that, to your knowledge, was on the -- the flight --

Page 30

1 A. No.

2 Q. -- other than those two? Okay.

3 Did you read any -- in the time since the  
4 incident, have you read any news articles about what  
5 happened on the flight?

6 A. Yes.

7 Q. Okay. And how did you come across those  
8 articles?

9 A. When they got published, I read them.

10 Q. Was it something that you just came across, or  
11 were you sent them?

12 A. I was not sent them. I don't believe I was sent  
13 them. I remember Peter and I were talking about that  
14 the articles came out, and I don't remember if I  
15 Googled them or if he sent me a link.

16 Q. Okay. You just mentioned that Peter was very  
17 vague during that initial phone call after the  
18 incident, correct?

19 A. Peter was definitely not himself. Peter is  
20 usually a very descriptive person with me.

21 Q. Do you recall specifically what he told you  
22 about what had happened?

23 A. I'm doing the best I can with the memory I have.

24 Q. That's fine. Yeah, and -- and just another  
25 clarification. I'm not expecting you to guess or

Page 31

1 speculate. Just if you don't recall, that's fine, but  
2 just what you happen to remember.

3 A. I know Peter told me he was hit and that A.D.  
4 was taken away from him and kept away from him for an  
5 extended period of time.

6 Q. Okay. We'll redact that out.

7 A. Oh, my gosh.

8 MR. MCKAY: That's okay.

9 THE WITNESS: I feel like I need a note right  
10 here that says A.D.

11 BY MR. MARTIN:

12 Q. So you testified that Peter told you he had been  
13 struck. Do you recall where he told you he had been  
14 struck?

15 A. To my memory, his head.

16 Q. Okay. And then he also told you that he and  
17 A.D. had been separated --

18 A. Yes.

19 Q. -- correct? Okay.

20 Do you recall anything else he -- Peter told you  
21 about the incident?

22 A. Not particularly.

23 Q. Do you recall him telling you his perception as  
24 to why the incident had occurred?

25 A. No.

Page 32

1 Q. Okay. And when you spoke with A.D., do you  
2 recall what he told you about the incident?

3 A. I was in such a state of disbelief that a child  
4 would be separated from their parent, and knowing Peter  
5 and A.D. the way I do, the whole thing was so -- just  
6 un -- unbelievable that I was just listening to what  
7 A.D. was saying. And he was just saying the facts of  
8 what happened; that he got separated from his dad. He  
9 was very -- he was very flat.

10 Q. By very flat, do you mean in his tone?

11 A. In his affect.

12 I remember being -- saying, A.D., are you okay?  
13 Like, this is -- this is absurd, right? This is wild.  
14 Are you okay?

15 And he's like, I'm going to be okay, this is  
16 what happened.

17 He was very flat, very numb sounding to what  
18 happened.

19 Q. I'm sorry, what?

20 A. Very numb sounding.

21 Q. Numb. Thank you.

22 As I understand -- is it also your understanding  
23 that the two of them, Peter and A.D., were at the  
24 beginning of a vacation when they were taking the  
25 flight?

Page 33

1 A. They were going on a hiking trip.

2 Q. Okay. Do you recall having interactions with  
3 either of them while they were on that trip, any phone  
4 calls?

5 A. At what period in time?

6 Q. The time that they were on the trip.

7 A. Post-incident?

8 Q. Correct.

9 A. I'm sure we had interaction to whatever degree  
10 they had reception and service.

11 Q. As you sit here, do you recall any of the  
12 specifics of those conversations?

13 A. I remember very much Peter wanting to push past  
14 what happened and not ruin the trip for his son, which  
15 is completely and totally representative of Peter as a  
16 father.

17 Q. You anticipated my next question.

18 A. Which was?

19 Q. If you would find that to be representative of  
20 how he is as a father.

21 A. Peter is an incredibly committed parent. I  
22 aspire to be the kind of parent he is.

23 Q. Do you recall when it was that you first saw  
24 Peter and A.D. after they returned to North Carolina  
25 from their trip?

Page 34

1 A. I don't have a precise memory of that.

2 Q. Do you recall anything about, not necessarily  
3 the certain time frame of when it was, but what the  
4 interaction was like?

5 A. I don't.

6 Q. Okay. Do you recall having, at the time,  
7 perceived any type of difference, and we'll start with  
8 Peter, at that first interaction after the incident as  
9 opposed to interaction with him before the incident?

10 A. Well, I have certainly seen changes in both  
11 Peter and A.D. I'm unable to pinpoint them to one  
12 specific moment or interaction. It was more of a  
13 gradual change over the time post-incident.

14 Q. Okay. And what were those gradual changes that  
15 you perceived post-incident?

16 A. For whom?

17 Q. Peter.

18 A. To present day?

19 Q. Yes.

20 A. They can be classified into a few different  
21 domains. There are cognitive changes I've observed,  
22 there are psychological changes I've observed, and  
23 there are relational or interaction changes I've  
24 observed.

25 Q. What are the cognitive changes that you've

Page 35

1 observed?

2 A. Peter is the kind of person that I would have  
3 described when I met him as sharp as a tack, incredibly  
4 quick, articulant -- articulate, fluent, incredibly  
5 descriptive. I think I said -- used that term earlier.  
6 He could find the exact right words to describe any  
7 sentiment. A wonderful, wonderful memory.

8 If Peter told me that I had -- we had planned  
9 something, I would have no doubts that I was the one  
10 who forgot it if a situation like that came up.

11 And he's absolutely had changes in all of those  
12 domains. He struggles to find certain words, he  
13 forgets things we've talked about, he tells me that  
14 we've talked about things that I don't believe we've  
15 talked about. So there's cognitive things, for sure.

16 Q. Okay. And then what about the psychological  
17 changes you've noticed post-incident?

18 A. Since the time of the incident Peter has become  
19 exceptionally hypervigilant. His awareness and  
20 orientation to threat is elevated in a way that's not  
21 typical and it's different from how he was  
22 pre-incident. He has a defensiveness about him and a  
23 fear for his son that I didn't experience with him  
24 prior to the incident.

25 Q. Do you feel that some of the --

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1 A. Are we pausing the third domain I named?

2 Q. For the time being, yeah.

3 A. Okay.

4 Q. Do you feel that, given your -- your background  
5 and your pedigree, that you're able to understand these  
6 changes a little bit better or perceive them better?

7 A. That's a tricky question, because while I have  
8 knowledge and information that informs my understanding  
9 of these symptoms, when you're in it, all you have is  
10 what you feel.

11 My pedigree and expert knowledge goes out the  
12 window when I have a partner who's struggling with word  
13 finding and memory and all those issues.

14 Q. So your perceptions came from both your romantic  
15 relationship with Peter as an individual, but also from  
16 your training as a psychologist; is that fair?

17 A. Right. Like, you know, if you're a  
18 dermatologist you can't help but -- if there's skin  
19 cancer in somebody's face, you're going to see it --

20 Q. You can't --

21 A. -- if it's there. Right.

22 Q. You can't unring the bell.

23 A. Right.

24 Q. Okay. Before we move to that third one you  
25 mentioned, any other psychological changes that you

Page 37

1 noticed that you want -- you want to mention?

2 A. I would say that since the incident Peter has  
3 had an irritability that did not characterize him prior  
4 to the incident.

5 Q. Okay. And then going on to -- you'll have to  
6 remind me what that third category was.

7 A. I said relational.

8 Q. Relational.

9 A. And I think that's where the irritability comes  
10 up and the challenges that are created when people  
11 forget things and the issues that that yields.

12 Q. To what parties have you noticed the relational  
13 changes?

14 A. In that moment I was speaking about my own  
15 interactions with Peter.

16 Is that what you're asking me?

17 Q. I am, yes.

18 And have you noticed relational changes with  
19 Peter and any other individual or individuals?

20 A. I think Peter is an other-oriented person who  
21 wants the -- who wants to be the best he can be for  
22 everybody in his life, and I don't feel like I can  
23 really speak to that question.

24 Q. Okay. Have you ever given a statement regarding  
25 the incident to anybody, besides your testimony here

Page 38

1 today?

2 A. What do you mean by a statement?

3 Q. To an attorney or a newspaper.

4 A. No.

5 Q. No? Okay.

6 Have you spoken with anyone else about the  
7 incident?

8 A. As a therapist I believe in the value of mental  
9 health care, and I have talked about the incident to  
10 the degree that it affects me in the context of my own  
11 mental health care.

12 Q. Okay. And we don't have to get into that, but  
13 understood.

14 A. The other only -- probably the only significant  
15 conversation was with my mom, who was in the car when  
16 Peter called the morning after the incident as we were  
17 driving to the church women's retreat together, so she  
18 knew something was up.

19 Q. Was -- did you have the call on speaker or  
20 just --

21 A. I don't believe so.

22 Q. Okay.

23 A. Although I don't actually remember. I don't  
24 think so.

25 Q. Okay. Are you doing okay so far? Do you need a

Page 39

1 break or water or anything?

2 A. No, I'm fine. I'd love some water, though.

3 Q. Sure.

4 MR. MARTIN: Why don't we go off the record for  
5 just a minute or two so we can all get some water.

6 THE VIDEOGRAPHER: Off the record at 1:59.

7 (Pause in the proceedings.)

8 THE VIDEOGRAPHER: Back on the record at 2:01.

9 BY MR. MARTIN:

10 Q. Shifting now, we discussed the change that you  
11 perceived and noticed in Peter after the incident. I'm  
12 going to shift now to those you may have seen in A.D.

13 Would you say that you noticed similar changes  
14 in each of the three buckets you described before;  
15 cognitive, psychological, and relational with A.D.?

16 A. Cognitively, there's people who can speak to  
17 this better than I, but A.D., to my knowledge, has been  
18 having some struggles in school recently post-incident.

19 Q. And how were you aware of that information?

20 A. A.D. is friends with my 13-year-old son. They  
21 talk academics and things of that nature. I'm aware  
22 that A.D. sometimes struggles to focus in school, and I  
23 think that's been happening more for him.

24 A.D. has had a massive uptick in -- well, at  
25 least to my knowledge, in migraines and vomiting. So

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1 that was not anything I remembered pre-incident as  
2 something occurring for A.D.

3 Within the last year A.D. very often has these  
4 headaches where he throws up after and gets very sick  
5 for short periods of time.

6 Q. Would you say that those have been -- did those  
7 occur prior to the incident?

8 A. Not to my knowledge.

9 Q. So it's something you noticed post-incident?

10 A. It may have been occurring, but it wasn't to a  
11 frequency that it ever would have come up in my  
12 dialogues with Peter, and now it's like a very frequent  
13 event.

14 Q. Obviously vomiting is something external, you  
15 can see, but the migraines, is it something that he  
16 would tell either you or Peter?

17 A. He'd say that he had -- had a headache and had  
18 to have, like, retreat from whatever he was doing.

19 Q. Okay. About how often would you say that  
20 occurred during the interaction you had with him?

21 A. It's not always via my interaction with him. It  
22 would be, you know, Peter and I were trying to plan  
23 something and Peter would say, we can't meet you or we  
24 can't go. A.D. is sick again.

25 Q. So it'd be fair to say that there were some

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1 times that you saw it yourself and there are other  
2 times that you heard about it from Peter?

3 A. Yes.

4 Q. Okay. Any other cognitive changes that you  
5 noticed in A.D.?

6 A. No.

7 Q. Okay. What about psychological changes in A.D.?

8 A. The main change I see is a withdrawal that has  
9 happened for him and an avoidance set of behaviors.

10 So when I first got together with Peter  
11 pre-incident, A.D. was warm and outgoing and oriented  
12 to doing things with the group and his friends, and  
13 over the last year, post-incident, that has really  
14 shifted and reduced.

15 He's much less interested in connecting with  
16 people and having contact with people. His orientation  
17 towards people has radically changed.

18 Q. And would you say that's all people?

19 A. It's pretty significant. There are a few safe  
20 people to A.D.

21 Q. And who would those be from what you've -- what  
22 you've perceived?

23 A. His sister Gayle and Peter are the two primary  
24 safe people, and there's a sadness for me because when  
25 we -- when Peter and I first started our relationship,

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1 I felt like I was going to be in that camp for A.D.,  
2 but there's been a pretty significant shift in A.D.'s  
3 willingness to connect and trust and attach.

4 Q. Any other psychological changes in A.D.?

5 A. Hypervigilance as well. He's very, very tuned  
6 in to how people interact with him in relation to his  
7 racial identity and how people perceive him and Peter  
8 in the world. That is a massive shift.

9 Q. You used the same term, hypervigilance, for both  
10 Peter and A.D., And I'm discounting that to be the  
11 case, but do you feel that to be the same type of  
12 hypervigilance, or do they manifest that in different  
13 forms?

14 A. Hypervigilance is an orientation to threat that  
15 occurs after a trauma has occurred. Both of them are  
16 showing signs of hypervigilance.

17 Q. Do they manifest in different forms?

18 A. For A.D. it appears very much associated with  
19 his racial identity and the fact that his racial  
20 identity is discrepant from that of his father and how  
21 that is going to be experienced.

22 He has an awareness when he was out in the world  
23 with Peter about how people will perceive the two of  
24 them together. He did not have that pre-incident, to  
25 my knowledge.

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1 Q. Are you aware of any other incidents that Peter  
2 and A.D. were involved in which involved a component of  
3 racial aspects?

4 A. I think that any time that there's a discrepancy  
5 between the racial identity or appearances of a parent  
6 and child when they're discrepant, it might draw a  
7 little additional attention.

8 I think historically for Peter and A.D. that  
9 actually had been some positive attention.

10 Q. Are you aware of an incident involving Peter and  
11 A.D. on a flight out to Salt Lake City?

12 A. I don't think so.

13 Q. Okay. Are you aware of an incident involving  
14 Peter and A.D. that occurred at a movie theater in  
15 Wilmington?

16 A. I don't think so.

17 Q. Okay. So you have no knowledge, that you  
18 remember, of -- if any or either instance --

19 A. No, but do I have a bad memory? It's, like,  
20 nothing immediately is coming to mind with either of  
21 those.

22 Q. Okay. That's fine. That's fine.

23 Post-incident have you had conversations with  
24 either of Peter's other two children, Amanda or Gayle,  
25 about -- we'll start with the instant first.

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1           A.   Have I had conversations have Amanda or Gayle  
2   about --

3           Q.   The incident.

4           A.   Not about the incident.  We've talked about  
5   Peter and memory things via text.  Like, there would be  
6   like a, you know, very -- I think they're -- that  
7   Amanda and Gayle are daughters who care a lot about  
8   their dad, and sometimes I will text them to say, how  
9   are you doing, and they'll ask me the same.

10           They'll say, how's dad?  About their dad.  And  
11   I'll say he's great.  Anything going on with him.

12           Very, very infrequent I might say, you know, I'm  
13   a little worried about his memory.

14           Q.   Okay.

15           A.   And they might say, me, too, but this is like  
16   something that's probably happened, like, once or twice  
17   in the last year.  I don't have a ton of contact with  
18   his daughters.

19           Q.   Okay.  So those changes that we've been working  
20   through, you haven't had much opportunity to really  
21   discuss those in detail with either Amanda or Gayle?

22           A.   No.

23           Q.   Do you, outside of obviously today --

24           A.   But I know that -- I'm just going to add  
25   something.

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1 Q. Mm-hmm.

2 A. I know that Gayle is very, very tuned in to  
3 what's going on with A.D. because she spends a good  
4 amount of time with him and he -- and she's one of his  
5 safe people.

6 Q. Okay. Let's talk about A.D. and that third  
7 bucket, which was relational; is that correct?

8 A. Mm-hmm.

9 Q. Have you noticed any relational changes in A.D.?

10 A. Back to the -- can I -- the psychological and  
11 relational certainly all connect back to that. So I  
12 spoke about the hypervigilance.

13 I also think that there is a fair amount of  
14 avoidance -- of avoidance behavior for A.D., and that  
15 connects with the relational piece. There's less of an  
16 interest in spending time with friends.

17 Well, there's my photo. Do you want me to pause  
18 while you look at that?

19 Q. No, I'm listening.

20 A. Okay. There's less of an interest in spending  
21 time with friends, there's less of an interest in  
22 connecting with others, and I also think that there is  
23 a bit of numbing that is going on for A.D. where he is  
24 putting a bubble wrap layer around himself as he  
25 interacts with the world and realizing that the world

Page 46

1 is a place that can hurt you and it is better to  
2 insulate.

3 Q. And those are based on --

4 A. Spending lots of time with A.D. and seeing A.D.  
5 being invited to, do you want to go here, do you want  
6 to go there, and A.D. saying, no, let's just stay home.

7 Q. Just a quick reminder to let me finish my  
8 question.

9 A. I apologize.

10 Q. It's okay. It happens all the time.

11 I was just going to say, so that's based on  
12 things that you've actually perceived yourself?

13 A. Yes.

14 Q. Besides those changes that you've outlined for  
15 Peter, we'll start with, are there any other changes  
16 that maybe aren't as easily categorized as those that  
17 you've just discussed with Peter?

18 A. The withdrawal and avoidance also, I would say,  
19 extends to my children, too. Pre-incident, A.D. had  
20 shown an orientation towards really connecting with my  
21 children in a very warm way, and more recently, in the  
22 last year post-incident, just feels like there's walls  
23 up.

24 Q. Have you noticed a similar avoidance between  
25 Peter and your children, or has that relationship

Page 47

1 stayed roughly consistent?

2 A. Peter has certainly gotten to know my children  
3 better over the course of the time period we've been in  
4 the relationship. Peter has not pulled back from them.

5 Q. Okay. So you haven't perceived any differences  
6 in how Peter and your children get along as a result of  
7 the incident?

8 A. As I said, Peter is an other-oriented person and  
9 he's also a push-through person. He tries to get past  
10 everything that life throws at him, and so Peter will  
11 put every ounce of his energy into not letting events  
12 reduce how he treats people or get in the way. I  
13 shouldn't say reduce. Get in the way of how he treats  
14 people.

15 Q. So you would not have perceived a similar  
16 avoidance between Peter and your family as you did with  
17 A.D. and your family; is that a fair statement?

18 MR. MCKAY: Objection to the form.

19 BY MR. MARTIN:

20 Q. You can still answer.

21 A. State it again, please.

22 Q. Sure. So based on your testimony, would it be  
23 fair to say that you have not noticed a similar  
24 avoidance between Peter and your family as you have  
25 with A.D. and your family?

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1 A. That's interesting the way you asked me that.

2 So, not in the nature of it, but what has

3 emerged is a focus within Peter on protecting his son

4 in a way that's more pronounced than it was at the

5 beginning.

6 So if we're trying to make plans and there might

7 be something that's not ideal for A.D.-- for his son,

8 A.D., we may not make those plans.

9 Q. Okay. Have you -- shifting now to Peter's

10 relationship with A.D. exclusively, what other changes,

11 if any, have you noticed in that relationship as a

12 result of the incident post-incident?

13 A. Oh, wow. There's a bit there. That's why I

14 said oh, wow. Quietly I said oh, wow.

15 Q. They still caught it.

16 A. Great. There is a very clear fear within A.D.

17 of being separated from Peter.

18 Q. Any other perceptions?

19 A. To a degree of lacking other people that are

20 there to support and care for A.D.

21 It's, I have to be by my dad, I have to not be

22 separated from my dad. There's a profound sense of

23 fear of being separated from his dad.

24 This manifests in -- one might call it

25 clinginess if they hadn't known what had happened. One

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1 would make a different interpretation if they knew that  
2 there had been a trauma experienced.

3 Q. Do you recall any instances when you have been  
4 in a social situation where Gayle and A.D. have been  
5 present, but Peter has not?

6 A. I don't think I've been in a social situation  
7 with Gayle and A.D. without Peter.

8 Q. Okay. Earlier you testified that you believed  
9 Gayle and Peter to be A.D.'s safe people, and so you  
10 wouldn't be able to say or testify to any instances  
11 where the two of them were together --

12 A. I've been at --

13 Q. -- and Peter wasn't there?

14 A. I've been at family dinners where Peter is in  
15 the kitchen cooking and Gayle and A.D. and I are  
16 sitting at a table and Gayle and A.D. are interacting.

17 Q. Okay. Do you, in situations where maybe Peter  
18 is out of the room, do you find A.D. having that same  
19 level of clinginess with Gayle when Peter is not  
20 around?

21 A. If Peter is unavailable, Gayle is A.D.'s safety  
22 person.

23 Q. And so do you see him exhibit the same  
24 tendencies to want to be clingy to her if Peter is not  
25 available in the immediate moment?

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1           A. He has more security if Peter is in the physical  
2   space. I can't speak to a situation where Peter wasn't  
3   in the physical space.

4           Q. Okay. Fair enough.

5           Any other perceptions in the difference in Peter  
6   and A.D.'s relationship after the incident?

7           A. Not at this time.

8           Q. Do you feel that this incident has made the two  
9   of them closer?

10           MR. MCKAY: Objection to the form.

11   BY MR. MARTIN:

12           Q. You can answer.

13           A. I'm -- I'm making a smile. The video can see  
14   this, because there is a concept called post-traumatic  
15   growth that can happen for people in the face of  
16   trauma, but the question almost feels insulting to me  
17   to the degree that it feels like it's suggesting that  
18   there's a silver lining to what happened.

19           Q. So --

20           A. So that's bothering me.

21           Q. Sure. So and to be clear, my -- my question  
22   wasn't meaning to trick, and you know the terminology a  
23   lot better than I do.

24           So I guess, you know, maybe I'll -- in the terms  
25   that you are more familiar and comfortable with, I'm

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1 just trying to get a sense of the differences that you  
2 perceive in Peter and A.D.'s relationship after the  
3 incident?

4 MR. MCKAY: I'm sorry, are you trying to suggest  
5 that Frontier did them a favor?

6 MR. MARTIN: I don't think that was my  
7 insinuation at all. I'm just asking for her to  
8 describe her perceptions of the relationship between  
9 Peter and A.D. after the incident as to opposed to  
10 before the incident.

11 THE WITNESS: I think there's a traumatized  
12 child that is fearfully clinging to his parent to  
13 mitigate future and further loss.

14 BY MR. MARTIN:

15 Q. Have you ever been with Peter and A.D. in a  
16 situation when they have been the subject of an  
17 incident that involves race?

18 A. There was an instance when we went to a museum  
19 together and I asked for a number of tickets. My white  
20 children were present, and they got the number one  
21 ticket short and were unclear if A.D. was with us, even  
22 though he clearly was.

23 I merely corrected the number and got the right  
24 number of tickets. That is the only incident that's  
25 coming to my mind.

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1 Q. Okay. Do you plan on testifying at trial if  
2 this matter goes to that conclusion?

3 A. I wasn't planning on this matter existing, so I  
4 didn't expect to be here in this moment. I don't know  
5 what the future holds for me.

6 Q. Okay.

7 MR. MARTIN: Are you going to have questions,  
8 John?

9 MR. MCKAY: Yeah, I may have a few.

10 MR. MARTIN: Why don't you go ahead, John.

11 MR. MCKAY: Okay.

12 CROSS-EXAMINATION

13 BY MR. MCKAY:

14 Q. Alexis, as you know, I represent Peter and A.D.  
15 in this, and I just have a couple of questions  
16 following up on -- on what you have already testified  
17 to in response to Mr. Martin's questions.

18 You mentioned something, and I think I -- I  
19 wrote down flat affect. Does that -- is that a term  
20 that means something to you?

21 A. It does. It means that when someone is  
22 speaking, that instead of having the expected changes  
23 in -- in -- in voice and tone and feelings behind  
24 words, that it's all just very flat like that.

25 Q. Is that an indication that the person is -- is

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1 unaffected by an event?

2 A. Absolutely not.

3 Q. And how so?

4 A. That can actually be a response to trauma, when  
5 something has occurred that is so emotionally  
6 exhausting and demanding that the person can only speak  
7 the words in a flat way; that they don't even have the  
8 energy or resource to put the feeling that obviously  
9 matches the words.

10 Q. And is that also what you've described as sort  
11 of a numbness?

12 A. Yes.

13 Q. Okay. Have you seen that elsewhere in your  
14 experiences in life? Have you seen other situations  
15 where -- where this has occurred in people?

16 A. Yes. During my clinical internship here at the  
17 Durham VA, I was trained in the treatment of  
18 post-traumatic stress disorder.

19 Q. Would that be involving soldiers?

20 A. Yes, military personnel.

21 Q. Okay. And -- and they also experienced this  
22 numbness or flat affect?

23 A. Numbness is part of the PTSD experience, and  
24 flat affect may be observed among people who have PTSD.

25 Q. What did you mean when you responded to

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1 Mr. Martin's questions about changes in Peter when you  
2 said that he had an exceptionally hypervigilant  
3 orientation towards threat?

4 What -- what does that mean, if you can say it  
5 in a different way?

6 A. So in the last year when we are out in the  
7 world, Peter is always scanning the environment. He's  
8 noted -- he has an orientation to noticing who's  
9 around him, what they're doing, how he, we, our group,  
10 whatever constituency we are with, might be perceived  
11 and how people might interact with us.

12 Q. And is it correct that these are things that you  
13 had not noticed in him prior to the incidents on the  
14 airplane?

15 A. I would never have described Peter as  
16 hypervigilant prior to the incidents.

17 Q. If I represent to you that some of the events  
18 that Mr. Martin alluded to, such as an incident at a  
19 movie theater and an incident on another flight, had  
20 happened during the time that we've described as  
21 pre-incident when you were around Peter and A.D., then  
22 would you conclude that those had not created any kind  
23 of hypervigilance in Peter?

24 A. Was Peter assaulted in those incidents?

25 Q. No.

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1           A. Was Peter separated from his child for a long  
2     period?

3           Q. No.

4           A. I don't think that would cause him to have  
5     hypervigilance. Maybe an awareness, but not  
6     hypervigilance.

7           Q. I see. Okay. So the hypervigilance is  
8     connected with the -- the assault and the being  
9     separated from A.D.?

10          A. To my thinking.

11          Q. Okay. The irritability that you've noticed,  
12     what characterizes that?

13          A. Peter was profoundly patient pre-incident, and I  
14     feel like there's a loss of that patience and a  
15     shortness, and this connects to the hypervigilance,  
16     too.

17                 Almost a sense that, like, I'm not -- this is a  
18     relational piece now, but like that I'm not on his  
19     team. Like I'm not, like, for him. Like that I'm --  
20     I'm -- I'm not -- I don't have his best interests at  
21     heart.

22                 I have always had his interest. I love this  
23     person. I -- I care about him. I want the best for  
24     him in his life, and sometimes I -- I feel like if I --  
25     I say I can't make it to something or I'm not able to

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1 talk, like it's perceived as like a rejection versus  
2 just a, hey, I can't talk. You know, like there's  
3 this -- this feels really personal, actually, to be  
4 talking about it; it's kind of hard.

5 There's a sensitivity and like a defensiveness  
6 there that wasn't there initially.

7 Q. Okay. And that was going to be my next  
8 question. So prior to the incident you hadn't noticed  
9 any kind of reactivity such as this?

10 A. Not at all.

11 Q. Okay. But now there's a feeling like it's --  
12 it's almost like -- well, irritability; like a -- like  
13 a sunburn on a personality --

14 A. Right.

15 Q. -- in a sense?

16 A. Right.

17 Q. Okay. And -- and has that continued since the  
18 incident on a fairly regular basis?

19 A. I would -- I would say that it -- it has.  
20 We've -- we've actually been talking about it more  
21 recently and -- and trying to be really gentle with  
22 each other so that it doesn't get in the way of our  
23 relationship continuing, because I would like our  
24 relationship to continue.

25 Q. Okay. So it's -- it's something that you're --

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1     you're both able to talk about, but -- but you haven't  
2     been able to -- to make it go away?

3         A.   Yes.

4         Q.   You have not been able to?

5         A.   We have not been able to make it go away.

6         Q.   All right. That's all I have. Thank you.

7                                 REDIRECT EXAMINATION

8     BY MR. MARTIN:

9         Q.   A couple follow-up questions for you, ma'am.

10                 In any of your training with PTSD, did any of  
11     that involve situations with minors?

12         A.   You mean the people I was treating?

13         Q.   Correct.

14         A.   No, the VA is a facility for adults.

15         Q.   Okay.

16         A.   I don't know if they -- I don't have an  
17     awareness that they treat children at the VA.

18         Q.   In -- in all of your professional training,  
19     you've never had -- or have you ever had training  
20     involving minors and PTSD?

21         A.   Part of the training I received at Duke, you  
22     work in a variety of treatment clinics. I did work in  
23     a family studies clinic for a time period, and in that  
24     clinic, which was not exclusively focused on PTSD, it  
25     was a clinic that worked with families, if there was a

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1 family member who was struggling with something. It  
2 certainly could have been trauma. I worked with family  
3 units, which often involved minors.

4 Q. Okay.

5 A. I also worked in an ADHD clinic for a while,  
6 which involved minors, and I can't remember if any of  
7 our other treatment clinics included minors, but my  
8 work was really focused.

9 I am an adult therapist and not representing  
10 myself as anything else.

11 Q. Right. And you testified earlier that your  
12 practice revolves around adult psychology?

13 A. Yes. And I'm also not here as a therapist. I'm  
14 here as Alexis speaking.

15 Q. Right. No, I -- I certainly understand that.

16 Do you and Peter, post-incident, do you still go  
17 kayaking?

18 A. We have not been kayaking for a while.

19 Q. Do you still go for walks?

20 A. We still do some walks, yeah.

21 Q. Would you say that frequency has increased or  
22 decreased after the incident?

23 A. I -- I don't think it's a meaningful answer if I  
24 say it's decreased because my workload has been really  
25 high lately, so I -- my time has been a little short.

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1 Q. Okay. That's fair.

2 Do you still try to have lunch with the same  
3 frequency as you did before?

4 A. Yes, we spend a lot of time together.

5 Q. Okay. And I understand that could mean just  
6 from the relationship having continued to progress as a  
7 result of time as you testified earlier. Would you say  
8 that's fair?

9 A. Yeah.

10 Why we're spending more time together?

11 Q. Correct.

12 A. Yes, as part the natural progression of our  
13 relationship.

14 Q. Right. And just to clarify, you were not  
15 present for the incident, whenever that may have been,  
16 at the movie theater, correct?

17 A. The thing you talked about before and you said  
18 something in Wilmington?

19 Q. And the one that John just mentioned, correct.

20 A. What did you just mention?

21 MR. MCKAY: I was also just talking about things  
22 that I think you testified you didn't know anything  
23 about. So obviously if you don't know anything about  
24 it, you weren't there, I think is what he's --

25 THE WITNESS: Correct.

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1 MR. MCKAY: -- getting to.

2 BY MR. MARTIN:

3 Q. Okay. Post-incident, has your family gone on  
4 any type of vacations together with Peter and any  
5 member of his family?

6 A. Yes.

7 Q. Where was that?

8 A. We went -- there have been a few trips. We  
9 went -- most recent, we went to Philadelphia for a  
10 hockey thing for A.D., a nd my 13-year-old went, I  
11 went, Peter, and A.D.

12 Q. Any other trips since the incident?

13 A. Oh, goodness. So that was late in March.

14 Q. Late March of?

15 A. 2019.

16 Q. Wait.

17 A. Incident --

18 MR. MCKAY: The incident was late March 2018 --  
19 2019.

20 THE WITNESS: Yeah.

21 BY MR. MARTIN:

22 Q. What about --

23 A. I'm sorry, I'm narrating out loud.

24 Q. That's okay.

25 A. I'm trying to think of my vacation destination

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1 since March 28, 2019.

2 Q. Okay. Yeah.

3 A. So I'm going to do that in my head now.

4 Q. Okay. I just don't want an inconsistent  
5 timeline.

6 A. Right. Peter and I have had a number of small  
7 trips, just the two of us, like a weekend thing here or  
8 there. Oh, gosh.

9 Dollywood. When was Dollywood? Dollywood was  
10 before.

11 Q. Okay.

12 A. Man, I wish I could scroll through my photos and  
13 see.

14 Oh, New Hampshire. We went to New Hampshire  
15 this past summer.

16 Q. And was that just the two of you, or with --

17 A. No, that was families. By family, I mean Peter  
18 and A.D., not his two daughters.

19 Q. All right. Five kids total on the trip?

20 A. Yes, and then my mom and her husband.

21 Q. And what did you do while you were in New  
22 Hampshire?

23 A. We swam in a lake a lot.

24 Q. Do you recall approximately when that was?

25 A. August.

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1 Q. Okay. So the kids were out of school?

2 A. Correct.

3 Q. Okay. And about how long would you have been in  
4 New Hampshire?

5 A. About a week.

6 Q. Any other trips involving the family since that  
7 time?

8 A. I feel sad and embarrassed that I'm not  
9 remembering them, if they did occur.

10 Q. No, it's fine.

11 Do you have any trips planned out in the future  
12 involving the family?

13 A. We have a trip in a few weeks.

14 Q. Where is that to?

15 A. Florida.

16 Q. Is that, again, the families?

17 A. We will be driving.

18 Q. Good luck.

19 A. Thank you. I don't think I would want to  
20 experience air travel with Peter and A.D. for how  
21 traumatic it might be, although maybe being there just  
22 to be supportive would be good.

23 MR. MARTIN: Go ahead.

24 RECROSS-EXAMINATION

25 BY MR. MCKAY:

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1 Q. May I just clarify? I think we got a little bit  
2 off track on the Philadelphia trip for A.D.'s hockey  
3 event.

4 A. Yeah.

5 Q. Do you recall approximately when that was?

6 A. That was recent.

7 Q. Recently?

8 A. Yeah, within the last --

9 Q. Okay.

10 A. -- few weeks.

11 Q. Okay. That's --

12 A. Sorry.

13 Q. -- fine.

14 A. I wasn't clear.

15 Q. And in the -- there have been a couple of points  
16 where you've mentioned that something has happened with  
17 Peter and A.D., but not with Peter's daughters.

18 Peter's daughters are adults, right?

19 A. Twenty-five and twenty-nine.

20 Q. Okay. So --

21 A. I would call that adults.

22 Q. Right. So it wouldn't be likely that they would  
23 be traveling with a bunch of teenagers?

24 A. Right.

25 Q. Okay.

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1           A. Or a six-year-old, eight-year-old, and a  
2     ten-year-old.

3           Q. Right.

4           MR. MCKAY: Did you want to -- do you want me to  
5     discuss reading and signing?

6           MR. MARTIN: Sure, go ahead.

7           MR. MCKAY: Okay. So the procedure -- this is  
8     just a procedural point now.

9           THE WITNESS: Okay.

10          MR. MCKAY: The court reporter is going to  
11     transcribe everything. She does everything in -- in  
12     some sort of magical way and she's going to turn that  
13     into a transcript of words and you have the right to  
14     proofread it.

15          Every once in a while you'll be saying some word  
16     that means something to you and somebody will hear it  
17     as a different word and so, you know, things like  
18     that can occur where -- where you're looking at the  
19     transcript and saying, oh, no, that's not what I  
20     said. I said this. So you have an opportunity to  
21     change that and to make it -- to make a note that  
22     this is what you were saying.

23          There's also the ability, for instance, if you  
24     remember some historical fact differently after you  
25     check your calendar, you would have a chance to say I

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1 looked at my calendar and that was actually in  
2 September rather than August --

3 THE WITNESS: Okay.

4 MR. MCKAY: -- whatever you want to do.

5 THE WITNESS: Okay.

6 MR. MCKAY: So you have that right, or you can  
7 waive it, in which case the transcript becomes what  
8 it is and we all just have to live with it the way it  
9 is.

10 THE WITNESS: Okay.

11 MR. MCKAY: So if you choose to read and sign,  
12 then the reporter will make arrangements with you to  
13 look at the raw copy of the transcript and make  
14 changes.

15 Would you like to do that?

16 THE WITNESS: Sure.

17 MR. MCKAY: Okay. Great. That's all we have.  
18 Thank you.

19 MR. DELVECCHIA: Can we step outside for one  
20 moment?

21 MR. MCKAY: Would it involve more questioning?

22 MR. DELVECCHIA: It might.

23 MR. MCKAY: Okay. So let's take a break, then.

24 THE VIDEOGRAPHER: Let's go off the record.

25 MR. MARTIN: Do you mind?

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1 MR. MCKAY: No, I don't mind at all. I'm sorry.

2 THE VIDEOGRAPHER: Off the record at 2:36.

3 (Short recess taken.)

4 THE VIDEOGRAPHER: Back on the record at 2:40.

5 RECROSS EXAMINATION

6 BY MR. MCKAY:

7 Q. Alexis, I apologize. Since we have you here, I  
8 did want to ask you a few more questions.

9 A. Okay.

10 Q. You mentioned in your testimony about things  
11 that you've noticed that were changes in Peter from a  
12 psychological or cognitive or relational standpoint.

13 Were there any things of a physical standpoint?  
14 Any type of symptoms of pain or disruptions in  
15 patterns, anything like that that you noticed?

16 A. Yes. And I didn't mention that. You're right.  
17 Headaches. Headache and sleep disturbance.

18 Q. Okay. Can you tell me what you observed about  
19 headaches?

20 A. Peter gets headaches very often. They seem to  
21 be pretty severe when he gets them.

22 He can't handle the radio on a volume that I  
23 think is absurdly low, is upsetting to him. Music that  
24 is too kind of high energy and too much of a driving  
25 beat is disruptive towards him. Music when he's

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1 driving seems particularly problematic, actually.

2 Q. Okay. And are all these things that have  
3 occurred since the flight?

4 A. Yes. I mean, we used to actually enjoy  
5 listening to music quite a bit, and in road trips in  
6 the last year it's, you know, turn the radio down,  
7 don't have that on, that's way too loud. So that is  
8 definitely a change.

9 Q. Okay. And a change that you've noticed since  
10 the Frontier flight?

11 A. Yes.

12 Q. Okay. And you also mentioned sleep  
13 disturbances. Can you elucidate what you mean by that?

14 A. In the last year I have noticed that Peter has a  
15 very hard time staying asleep. He rarely sleeps  
16 through the night on the nights that I'm in that  
17 setting with him.

18 Q. And is that something that you ever noticed  
19 prior to the Frontier flight?

20 A. No.

21 Q. Okay. And is it something that occurs just once  
22 during the night, or is it something that's repeated  
23 during one night?

24 A. I'm not fully aware if he wakes up repeatedly  
25 during the night, but I do know that he will wake --

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1 after going to bed at 11:00 p.m., we'll wake at 3:00  
2 and then be up for the day, unable to get back to  
3 sleep.

4 Q. I see. And does that affect him in any other  
5 ways that you've noticed?

6 A. The sleep piece?

7 Q. Yes.

8 A. Oh, my goodness. Like if -- it's tricky,  
9 because I don't know if you're asking me about him or  
10 the research.

11 The research shows that reduced sleep is  
12 disastrous for one's health. I mean, in terms of life  
13 expectancy, in terms of the ability to focus and  
14 function during a day. So any compromised sleep is  
15 a -- is a major problem.

16 Q. Specifically to Peter have you noticed it  
17 affecting his day, his ability to organize, anything  
18 along those lines?

19 A. I don't know if his -- the difficulties that you  
20 mentioned, the ability to organize, things of that  
21 nature are things that I've observed. I don't know if  
22 those things are due to sleep disturbance or if they're  
23 due to being struck in the head.

24 Q. Okay. Now, it's something that you've mentioned  
25 that you're here testifying as Alexis and not here

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1     testifying as, you know, as in your professional  
2     capacity, but I wanted to ask you, have you and Peter  
3     had any conversations about what he should say in the  
4     lawsuit or how he should structure anything in response  
5     to any procedural questions in the lawsuit?

6             Have you been involved in the lawsuit at all to  
7     any degree?

8             A. Peter has very much tried to keep me out of  
9     everything.

10            As I said earlier, Peter is an other-oriented  
11     person. Peter is also a very ethically oriented  
12     person, and I think because of that -- I mean, he --  
13     he's very aware of the ethical situation with me being  
14     a psychologist and in what capacity. You know, not  
15     putting me in any kind of compromised position.

16            Q. And I can tell that ethics are important to you  
17     as well. So there would be no way that anybody could  
18     say that you're acting as a coach or an advisor to  
19     Peter in this litigation, is there?

20            A. That actually feels laughable. I would say  
21     absolutely not.

22            Q. Absolutely not. All right. That's all I have.

23                                FURTHER REDIRECT EXAMINATION

24     BY MR. MCKAY:

25            Q. A couple quick follow-ups, and this is just

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1 based on some prior testimony that's been given.

2 I understand that you may have provided some --  
3 I'm not talking about you acting as a professional, but  
4 just maybe from knowing people.

5 I understand you may have referred Peter for a  
6 potential consultation with psychologists; is that  
7 accurate?

8 A. So I'm not here as a psychologist. I'm not  
9 going to make a formal statement on whether A.D. has  
10 PTSD or not. That's for his psychologist to do so.

11 Q. And I'm not talking about A.D. I'm just talking  
12 about Peter.

13 A. I, at one time, did try to get names of  
14 prolonged-exposure therapists. My memory is that was  
15 for A.D., though, because that is the treatment of  
16 choice for PTSD. It's one of the treatments of choice  
17 for PTSD.

18 In terms of Peter, he needed a neuropsych  
19 work-up, and neuropsych providers are few and far  
20 between. It's not as common as therapists. I tried to  
21 think through if I knew any neuropsych providers that  
22 he could have contact with. I certainly wouldn't have  
23 had contact because that would have been a problem.

24 Q. And I'm not suggesting -- there was not  
25 testimony that you contacted these people, just more

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1 providing names of people. It sounds like you maybe  
2 looked for a neuropsychologist's name and that was  
3 it --

4 A. I know that I'm aware that he went for a  
5 neuropsych work-up, and I don't have any -- I -- that  
6 was not a name I provided Peter.

7 Q. Okay. That's fine. I just wanted to clarify.

8 MR. MCKAY: Okay. We're all done. And the  
9 court reporter will make arrangements with you off  
10 the record to get in touch with you about the  
11 transcript thing we talked about.

12 THE WITNESS: Okay.

13 MR. MARTIN: Thank you very much for coming in.

14 MR. MCKAY: Thank you, ma'am. We appreciate  
15 your time.

16 THE WITNESS: Okay. Thanks.

17 THE VIDEOGRAPHER: This concludes this  
18 deposition. The time is 2:47.

19 (Whereupon, at 2:47 p.m. the deposition was  
20 concluded).

21 Signature Reserved.

22

23

24

25

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1 C E R T I F I C A T E O F O A T H .

2 STATE OF NORTH CAROLINA )

3 COUNTY OF ALAMANCE )

4 I, the undersigned authority and Notary Public,  
5 certify that ALEXIS FRANZESE personally appeared before  
6 me and was duly sworn on March 2, 2020.

7 Sworn to before me this 2nd day of March, 2020.

8

9

*Joan Comparato*



10 Joan Comparato, Court Reporter

11 Notary Public - State of North Carolina

12 My Commission No. 2016203000002

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1 REPORTER'S CERTIFICATE

2 I, JOAN COMPARATO, and Notary Public in and for the  
3 State of North Carolina at Large, do hereby certify  
4 that I was authorized to and did report said deposition  
5 of ALEXIS FRANZESE in stenotype; and that the foregoing  
6 pages are a true and correct transcription of my  
7 shorthand notes of said deposition.

8 I further certify that said deposition was taken at the  
9 time and place hereinabove set forth and that the  
10 taking of said deposition was commenced and completed  
11 as hereinabove set out.

12 I further certify that I am not an attorney or  
13 counsel of any of the parties, nor am I a relative or  
14 employee of any attorney or counsel of party connected  
15 with the action, nor am I financially interested in the  
16 action.

17 The foregoing certification of this transcript  
18 does not apply to any reproduction of the same by any  
19 means unless under the direct control and/or direction  
20 of the certifying reporter.

21 DATED this 8th day of March, 2020

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25

  
JOAN COMPARATO

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